

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4 and 6-28 are presented in the present application. Claims 1-4, 6-8, 10, 12-13, 15, 17-18, 20-21, and 23-25 are amended, Claim 5 is canceled without prejudice, and Claims 26-28 are added by the present amendment.

In the outstanding Office Action, the specification was objected to; Claim 4 was rejected under 35 U.S.C. § 101; Claims 1-10 and 24-25 were rejected under 35 U.S.C. § 102(e) as anticipated by Kamibayashi et al. (U.S. Patent 7,065,648 B1, herein "Kamibayashi"); Claims 11-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kamibayashi in view of Tagawa et al. (U.S. Patent 6,615,192 B1, herein "Tagawa"); and Claims 13-14 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kamibayashi in view of Tagawa and Akiyama et al. (U.S. Patent 6,460,137 B1, herein "Akiyama").

With respect to the objection to the specification, the specification has been amended as suggested in the outstanding Office Action. No new matter has been added. Accordingly, it is respectfully submitted that the objection to the specification be withdrawn.

Respecting the rejection of Claim 4 under 35 U.S.C. § 101, Claim 4 has been amended to recite a "computer-readable medium," as suggested in the outstanding Office Action. No new matter has been added. Accordingly, it is respectfully submitted that this rejection be withdrawn.

Claims 1-4, 6-8, 10, 12-13, 15, 17-18, 20-21, and 23-25 have been amended to address cosmetic matters of form. No new matter has been added.

The outstanding rejections on the merits are traversed for the following reasons.

Briefly recapitulating, amended Claim 1 is directed to a mutually authenticating method for mutually authenticating a reproducing apparatus and an information processing apparatus. The reproducing apparatus includes a reproducing portion for reading content information from a recording medium including revocation information and information unique to the recording medium. The revocation information is used to determine whether or not an electronic device is illegal. The reproducing apparatus is configured to transmit and receive the content information to and from the information processing apparatus for processing the content information. The mutually authenticating method includes, *inter alia*, causing the reproducing apparatus to determine whether or not the reproducing apparatus itself should be invalidated using information that represents the reproducing apparatus and the revocation information, causing the information processing apparatus to determine whether or not the information processing apparatus itself should be invalidated using the information that represents the information processing apparatus and the revocation information, and causing the reproducing apparatus and the information processing apparatus to mutually authenticate each other using both first key information generated when a determined result of the reproducing apparatus does not represent that the reproducing apparatus should be invalidated and second key information generated when a determined result of the information processing apparatus does not represent that information processing apparatus should be invalidated.

Turning to the applied art, Kamibayashi is directed towards a mutual authentication method to limit the number of copies made of contents, such as audio works. This method uses a music contents use management system (e.g., a personal computer, referred to as an

LCM) including a secure contents server (referred to as an SMS), and a memory card (referred to as an MC). The memory card can have different levels of complexity.

Kamibayashi describes a mutual authentication process for one level of memory card complexity at column 8, lines 33-57, and at Figure 10. Prior to this mutual authentication process, the SMS reads out a device ID of a corresponding LCM and transfers it to the MC. The MC checks if the transferred device ID is registered on a list in the MC as revoked. If the device ID is not revoked, the process continues to a mutual authentication process.

At page 4, lines 10-23, the outstanding Office Action asserts that Kamibayashi discloses both that a reproducing device determines whether or not the reproducing device itself should be invalidated and that an information processing apparatus determines whether or not the information processing apparatus itself should be invalidated. As discussed above, an LCM device ID is transmitted to the memory card, and the memory card then determines if the LCM device ID has been revoked. That is, the memory card determines whether the LCM is invalidated; the memory card does not determine if the memory card *itself* is invalidated. Moreover, because the process of Kamibayashi checks only whether the LCM is revoked, Kamibayashi contemplates that only a single apparatus determines whether a revocation occurs. Kamibayashi does not disclose two apparatuses determining whether two revocations occur. Thus, Kamibayashi does not teach or suggest “causing the reproducing apparatus to determine whether or not the reproducing apparatus itself should be invalidated . . . [and] causing the information processing apparatus to determine whether or not the information processing apparatus itself should be invalidated,” as required by independent Claim 1.

Accordingly, it is respectfully submitted that independent Claim 1 and each of the claims depending therefrom patentably distinguish over Kamibayashi. Additionally, independent Claim 4 recites features analogous to the features of Claim 1. Moreover, because Kamibayashi does not teach or suggest “determin[ing] whether or not the reproducing apparatus itself should be invalidated . . . [and] determin[ing] whether or not the information processing apparatus itself should be invalidated,” Applicants respectfully submit that Kamibayashi does not teach or suggest the reproducing apparatus “including first determining means for determining whether or not the reproducing apparatus itself should be invalidated . . . [and] second determining means for determining whether or not the information processing apparatus itself should be invalidated,” as required by independent Claim 6. Similarly, Applicants respectfully submit that Kamibayashi does not teach or suggest “first determining means for determining whether or not the reproducing apparatus itself should be invalidated . . . [and] mutually authenticating means for mutually authenticating . . . using . . . information generated when a determined result of a second determining means does not represent that the information processing apparatus should be invalidated,” as required by independent Claim 24, and “second determining means for determining whether or not the information processing apparatus itself should be invalidated using . . . information generated when a determined result of first determining means of the reproducing apparatus does not represent that the reproducing apparatus itself should be invalidated,” as required by independent Claim 25. Accordingly, Applicants respectfully submit that the rejections of Claims 4, 6, and 24-25 and each of the claims depending therefrom are also believed to be overcome in view of the arguments regarding amended Claim 1.

Regarding the rejections of Claims 11-12 as unpatentable over Kamibayashi in view of Tagawa, and the rejections of Claims 13-14 and 16 as unpatentable over Kamibayashi in view of Tagawa and Akiyama, it is respectfully submitted that Tagawa and Akiyama do not, either alone or in proper combination, cure the above-noted deficiencies of Kamibayashi in regard to independent Claims 1, 4-6, and 24-25. Thus, dependent Claims 11-14 and 16 are believed to be patentable for at least the reasons discussed above.

New Claims 26-28 have been added to set forth the invention in a varying scope, and Applicants respectfully submit the new claims are supported by the originally filed specification. More specifically, Claims 26-28 correspond to Claims 6 and 24-25 but are written in non-means plus function language. No new matter has been added. It is respectfully submitted that Claims 26-28 are allowable, because the cited references do not teach or suggest at least "a mutually authenticating unit" as defined in Claims 26-28.

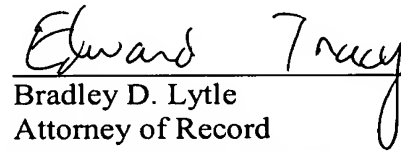
Since Applicant has not changed the scope of the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication should not be considered a Final Office Action.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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